IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BROADCAST MUSIC, INC.; CAREERS-BMG MUSIC PUBLISHING, INC.; FOX-GIMBAL PRODUCTIONS, INC.; RODALI MUSIC; CYANIDE PUBLISHING; UNIVERSAL - SONGS OF POLYGRAM INTERNATIONAL, INC.; MAD DOG WINSTON MUSIC, LTD.; UNICHAPPELL MUSIC; FORREST RICHARD BETTS MUSIC; SONGS OF UNIVERSAL, INC.; CONTESSA PUBLISHING d/b/a ROSASHARN MUSIC; LEE MENDELSON FILM PRODUCTIONS, INC.; HIP CITY MUSIC INC.; HIFROST PUBLISHING; TANGERINE MUSIC CORP.,	)	Civil Action No.
Plaintiffs,	)	
v.	)	
THE RUSTY DORY, INC. d/b/a THE RUSTY DORY PUB; and JOANNE C. TETI, individually,	)	
Defendants.	)	

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the "BMI Repertoire"), and currently includes all of those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Careers-BMG Music Publishing, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Fox-Gimbel Productions, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Rodali Music is a sole proprietorship owned by Charles Fox. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Cyanide Publishing is a partnership owned by Robert Kuykendall, Richard

A. Ream, Bruce Johannesson and Bret M. Sychak.

9. Plaintiff Universal - Songs of Polygram International, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Mad Dog Winston Music Ltd. is a limited company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Unichappell Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Forrest Richard Betts Music is a sole proprietorship owned by Forrest Richard Betts. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Songs of Universal, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Contessa Publishing LLC is a limited liability company d/b/a Rosasharn Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Lee Mendelson Film Productions, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Hip City Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Hifrost Publishing is a partnership owned by Hiriam Hicks and Elliot Straite. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Tangerine Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Defendant The Rusty Dory, Inc. is a corporation organized and existing under the laws of the state of Florida which operates, maintains and controls an establishment known as The

Rusty Dory Pub, located at 850 Ohio River Boulevard, Pittsburgh, PA 15202-2637 in this district (the "Establishment").

20. In connection with the operation of the Establishment, Defendant Mbratta Enterprises, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

21. Defendant The Rusty Dory, Inc. has a direct financial interest in the Establishment.

22. Defendant Joanne C. Teti, is the President of Defendant The Rusty Dory, Inc., with primary responsibility for the operation and management of that corporation and the Establishment.

23. Defendant Joanne C. Teti, has the right and ability to supervise the activities of Defendant The Rusty Dory, Inc., and a direct financial interest in that corporation, and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

24. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 16.

25. Plaintiffs allege ten (10) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions owned and/or licensed by the Plaintiffs. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

26. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by

Defendants. The Schedule contains information on the ten (10) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

27. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

28. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

29. For each work identified on the Schedule, Plaintiff BMI is currently the licensor of the public performance rights in the musical composition identified on Line 2 and was, at the time of the infringement, granted the right by the publisher(s) identified on Line 4 to pursue actions for infringement of the public performance rights in their musical compositions and to seek damages for such infringement. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

30. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants

publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

31. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: 3-10, 2014

By: */s/ Jonathan S. McAnney*

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